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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,483	05/24/2005	Bruce B Doris	FIS920020105	6798
32074	7590	09/21/2006	EXAMINER	
INTERNATIONAL BUSINESS MACHINES CORPORATION DEPT. 18G BLDG. 300-482 2070 ROUTE 52 HOPEWELL JUNCTION, NY 12533				LIU, BENJAMIN T
ART UNIT		PAPER NUMBER		
		2826		

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/536,483	DORIS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Benjamin T. Liu	2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2006.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

  
 Minhloan Tran  
 Primary Examiner  
 Art Unit 2826

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6) <input type="checkbox"/> Other: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/14/06</u> . |   |

**DETAILED ACTION**

1. Claims 9-17 canceled in amendment submitted 7/17/06.

***Claim Rejections - 35 USC § 102(e)***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, and 7-8 are rejected under 35 U.S.C 102(e) as being anticipated by Lin et al. (2004/0075122).

With regard to claim 1, figures 4 and 9 of Lin et al. disclose a semiconductor device structure, comprising: a FinFET that provides CMOS compatibility, which are a PMOS device and an NMOS device disposed on a substrate 200, the cover layer 920 providing a tensile strain good for electron mobility or compressive stress good for hole mobility, which inherently disclose the PMOS device including a compressive layer (920 of PMOS) stressing an active region of the PMOS device, the NMOS device including a tensile layer (920 of NMOS) stressing an active region of the NMOS device, wherein the compressive layer (920 of PMOS) includes a first dielectric material (920 of PMOS), the tensile layer (920 of NMOS) includes a second dielectric material (920 of NMOS), and

the PMOS and NMOS devices are FinFET devices 400. (Note lines 11-12 in paragraph [0003] and paragraphs [0025] and [0027] of Lin et al.)

With regard to claim 2, figures 4 and 9 of Lin et al. disclose a semiconductor device, wherein the first dielectric material (920 of PMOS) comprises SiN. (Note lines 11-12 in paragraph [0003], lines 19-20 in paragraph [0020], and paragraphs [0025] and [0027] of Lin et al.)

With regard to claim 3, figures 4 and 9 of Lin et al. disclose a semiconductor device, wherein the second dielectric material (920 of NMOS) comprises SiN. (Note lines 11-12 in paragraph [0003], lines 19-20 in paragraph [0020], and paragraphs [0025] and [0027] of Lin et al.)

With regard to claim 5, figures 4 and 9 of Lin et al. disclose semiconductor device structure, wherein the first dielectric material (920 of PMOS) has a substantially uniform thickness in a range of 200A to 2000A. (Note paragraph [0027] of Lin et al.)

With regard to claim 7, figures 4 and 9 of Lin et al. disclose a semiconductor device structure, wherein the second dielectric material (920 of NMOS) has a substantially uniform thickness in a range of 200A to 2000A. (Note paragraph [0027] of Lin et al.)

With regard to claim 8, figures 4 and 9 of Lin et al. disclose a semiconductor device structure, wherein the first dielectric material (920 of PMOS) and the second dielectric material (920 of NMOS) are SiN. (Note lines 11-12 in paragraph [0003] and paragraphs [0025] and [0027] of Lin et al.)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 6 are rejected under 35 U.S.C 103(a) as being unpatentable over Lin et al. (2004/0075122) in view of Ito (2002/0081794).

With regard to claim 4, Lin et al. discloses all the subject matter claimed except for the first dielectric material having a substantially uniform compressive stress in a range of -300 MPa to -3000 MPa.

However, figures 2C and 5 of Ito do disclose the first dielectric material (9 of PMOS) having a substantially uniform compressive stress in a range of -300 MPa to -3000 MPa.

Therefore, it would have been obvious to one of ordinary skill in the art to form the semiconductor device of Lin et al. with the dielectric material of Ito in order to increase the hole mobility of the transistor.

With regard to claim 6, Lin et al. discloses all the subject matter claimed except for the second dielectric material having a substantially uniform tensile stress in a range of +200 MPa to +2000 MPa.

However, figures 2C and 5 of Ito do disclose the second dielectric material (9 of NMOS) having a substantially uniform tensile stress in a range of +200 MPa to +2000 MPa.

Therefore, it would have been obvious to one of ordinary skill in the art to form the semiconductor device of Lin et al. with the dielectric material of Ito in order to increase the electron mobility of the transistor.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin T. Liu whose telephone number is (571) 272-6009. The examiner can normally be reached on Mon-Fri 9:30 AM-6:00AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571 272 1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BTL

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